IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSE TRUJILLO, individually and on behalf of all others similarly situated, Plaintiff, v. APPLE COMPUTER, INC., a California Corporation, and AT&T MOBILITY LLC, a Georgia Corporation, Defendants.	No. 07 CV 04946 Judge Kennelly Mag. Judge Ashman

DEFENDANT AT&T MOBILITY LLC'S
STATUS REPORT

Defendant AT&T Mobility LLC ("ATTM") respectfully submits this Status Report to the Court in accordance with the Court's instructions during the proceedings of September 29, 2008. During the hearing on September 29, counsel for ATTM stated that ATTM was not going to appeal the Court's order denying the motion to compel arbitration, but could potentially invoke arbitration in opposition to any motion for class certification. The Court asked ATTM to explain in writing how the issue of arbitrability might be implicated at the class certification stage. On further reflection, ATTM has decided not to raise arbitration in opposition to class certification. Accordingly, ATTM will not include arbitration as an affirmative defense in any responsive pleading it files in this case.[1]

[1] Of course, ATTM does not waive its right to raise arbitration as a defense in any other litigation.

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Dated: October 8, 2008

Respectfully submitted,

/s/ Sarah E. Reynolds

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CERTIFICATE OF SERVICE

I, Sarah E. Reynolds, an attorney, I hereby certify that on October 8, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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Dated: October 8, 2008

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